**HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH**

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**SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.**

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**WRIT PETITION NO. 2217 OF 2006**

**PETITIONER** — Smt. Kamalabai, aged about 58 years, W/o. Shri Rajendra Gupta, R/o. Polsaipara, Durg, P.O. & Distt: Durg (C.G.)

Vs.

**RESPONDENTS**

1. Deependra Gupta, aged about 46 years, S/o. Late Shri Hari Prasad Gupta, R/o. Polsaipara, Durg, P.O. & Distt. Durg. (C.G.)
2. State of Chhattisgarh through Secretary, Department of Revenue, Mantralaya, DKS Bhavan, Raipur, P.O. & Distt. Raipur (C.G.)
3. Board of Revenue, through its Chairman, Bilaspur (C.G.)
4. Collector, Durg (C.G.)
5. Sub Divisional Officer, Durg (C.G.)
6. Tahsildar, Durg (C.G.)
7. Municipal Corporation, through Commissioner, Durg (C.G.)

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**Present:** Shri B.R. Ghosh, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State.

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**ORAL ORDER**
**(Passed on 28th April, 2006)**

It is well settled that the orders made by the Revenue Authorities under the Land Revenue Code are always subject to the decrees that may be passed by the competent civil Courts. The dispute brought before the Court relates to, according to the petitioner, an undivided share of one of the coparceners of a Hindu Undivided Family (HUF). It is stated that the Board of Revenue against whose order this writ petition is filed, has held that the sale is effected not with regard to the undivided share of the property but the whole property. The nature of the dispute would show

that it is not a fit case where this Court under Article 226 of the Constitution of India in a summary proceeding conclusively and finally cannot decide the issue. The appropriate Forum to decide such issue is the jurisdictional civil Court. In that view of the matter, I decline to entertain this writ petition. Accordingly, Writ petition is dismissed reserving liberty to the petitioner to workout his legal remedies before the jurisdictional civil Court. No costs.

Sd/-
Chief Justice

Rajesh